

REMARKS**I. Status of the Claims**

Claims 1-133 are currently pending. Claims 2, 14, 15, 26-34, 43-50, 55-58, 62, 74, 76, 78 and 104-133 are withdrawn from consideration. The above amendment amends claims 1, 6, 13, 61, 66, 73, 75, 77, 82, 89, 95, 96, 97, 98, 100, 101, and 103. Also, claim 94 is canceled without prejudice or disclaimer. These changes are believed to introduce no new matter. Accordingly, entry and consideration of this Amendment are respectfully requested.

II. Allowable Subject Matter

In the Office Action, the Examiner indicates that claims 5-13, 21, 35-42, 51, 53-54, 59-60, 65-73, 75, 81-89, 95, and 97-103 would be allowable, if rewritten in independent form. The above amendment places allowable claims 6, 13, 66, 73, 75, 82, 89, 97, 100, 101, and 103 in independent form. Accordingly, allowance of these claims is respectfully requested.

III. Rejections under 35 U.S.C. § 102

Claims 1, 3, 4, 16-20, 22-25, 52, 61, 63, 64, 77, 79, 80 and 90-93 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0065881 to Mansikkaniemi et al ("Mansikkaniemi"). Applicant respectfully requests reconsideration for at least the following reasons.

These rejected claims include independent claims 1, 61, and 77, which recite tag data constructs associated with multimedia messages. As amended these claims recite "the multimedia message including at least one of an audible data and a digital image file incorporated into the electronic tag data construct."

Mansikkaniemi fails to disclose such features. Instead, Mansikkaniemi merely discloses single media “notes” that do not have multimedia characteristics. For instance, paragraphs [0046] through [0049] of Mansikkaniemi describes these notes as merely being text messages.

On page 11 of the Office Action, the Examiner states that Mansikkaniemi “discloses notes (92) (considered equivalent with “tag data constructs”) wherein said notes are associated with messages comprising texts (e.g., I will be home at 21:00) and symbols (e.g., pen)”. Further, the Examiner alleges that these messages in Mansikkaniemi are “considered equivalent with ‘multimedia messages’”. However, notwithstanding the merits of such allegations, such symbols do not teach or suggest audible data or digital image files, as recited in independent claims 1, 61, and 77.

The remaining claims rejected on these grounds depend from these independent claims. Accordingly, technical differences exist between these claims and Mansikkaniemi. For at least this reason, the rejection under 35 U.S.C. §102 is improper because Mansikkaniemi does not teach every feature of the rejected claims. Thus, Applicant requests that the rejection of claims 1, 61, and 77, as well as their respective dependent claims, be withdrawn.

IV. Rejections under 35 U.S.C. § 103

Claims 94 and 96 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2001/0021649 to Kinnunen et al. (“Kinnunen”) in view of U.S. Patent No. 6,044,062 to Brownigg et al. (“Brownigg”). Applicant respectfully requests reconsideration for at least the following reasons.

Independent claim 94 has been canceled, thereby rendering its rejection moot.

Dependent claims 95, 96, 98, 99, have been amended to depend from allowable claim 97, and dependent claims 102 depends from allowable claim 101. As indicated above, these allowable claims have been rewritten in independent form. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4079.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4079.

Respectfully submitted,
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Dated: 9/29/05

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